REMARKS

Claims 1-7, 12-18, and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by

United States Patent Number 5,757,571 to Basham et al. (hereinafter "Basham"). Claims 8-11

and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Basham in view of

United States Patent Publication 2001/0002477 by Cadden et al. (hereinafter "Cadden").

Please note that the following remarks are not intended to be an exhaustive enumeration

of the distinctions between any cited references and the claimed invention. Rather, the

distinctions identified and discussed below are presented solely by way of example to illustrate

some of the differences between the claimed invention and the cited references.

Claims 1 and 12 are amended with the limitations of claims 8 and 19 respectively.

Claims 8 and 19 are canceled. New claims 21 and 22 are added. Claims 21 and 22 are fully

supported by the specification. Specifically, the specification discloses first and second segments

of different storage capacities. Paragraph 56, Lines 4-6. The specification also teaches the

segmentation module dividing a tape storage medium into first and second segments. Paragraph

48, Lines 5-7. The division may be in response to a user defined segmentation layout. Paragraph

48, Lines 7-9.

Claim 21 is distinguished from Basham in that Basham teaches a plurality of segments

each with the same predetermined interval. Basham, Col. 2, Lines 55-56. If the formatting is

changed, the new segment headers are separated by a new predetermined interval, but the interval

is the same for all segments. Basham, Col. 2, Line 64 – Col. 3, Line 4. Col. 7, Lines 26-30.

Cadden also does not teach segments with different storage capacities. In contrast, claim 21

includes the limitation that the first and second segments have different storage capacities.

Claim 22 is distinguished from Basham in that Basham does not teach dividing the tape into segments with the first segment being equivalent to a user-defined capacity. Basham allows partitions to have the capacity of a segment. Basham, Col. 11, Lines 24-25. However, Basham does not create a segment equivalent to the user-defined capacity as claimed in claim 22. Cadden also does not disclose creating a segment equivalent to the user-defined capacity. Applicants submit that both claims 21 and 22 are allowable in view of the cited prior art.

Response to rejections of claims under 35 U.S.C. § 103(a)

Claims 8-11 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Basham in view of Cadden. However, because claims 1 and 12 are amended with the limitations of claims 8 and 11, Applicants traverse the rejections of claims 1, 9, 12, and 20 by addressing the Examiner's arguments for claims 8, 9, and 19.

Claims 1, 9, 12, and 20 include a variation of the limitation "…identify a tape storage medium as full when a substantial portion of the user-defined capacity of the tape storage medium has been used to store the data…" Claim 1 as amended. See also claims 9, 12 and 20. In contrast, Cadden only teaches flagging a full tape as full, not flagging a tape as full if a substantial portion of the user-defined capacity is used to store data. Cadden, Paragraph 0072, Lines 6-12. Specifically, Cadden does not flag the tape as full if "…less than a usable capacity of the tape storage medium…" is used. See present invention specification, claim 1. Basham also does not teach identifying a tape storage medium as full when a substantial portion of the user-

defined capacity of the tape storage medium has been used to store the data. Basham and Cadden therefore do not teach all of the limitations of the present invention. As a result, Applicants assert that claims 1, 9, 12, and 20 are allowable.

Applicants further submit that the Cadden reference should not be combined with the Basham reference as the teaching or suggestion to combine Basham and Cadden can only be found in the Applicants' disclosure. Basham teaches scaling for access efficiency. Basham, Abstract. Cadden teaches writing client data to a first tape through a first server until the first tape is full, then continuing the write to a second tape through a second server. Cadden, Abstract. The write may alternate between the two servers until all the client data is written to a plurality of tapes. Cadden, Abstract. There is no teaching or suggestion to combine the alternating writes of Cadden with the scaling of Basham except by the present invention. It is "impermissible to use the claims as a frame and the prior art references as a mosaic to piece together a facsimile of the claimed invention." *Uniroyal v. Rudkin-Wiley*, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988) (citing *W. L. Gore & Associates v. Garlock, Inc.*, 220 USPQ 303, 312). Applicants therefore submit that claims 1, 9, 12, and 20 are allowable.

Applicants further submit that claims 10 and 11 are allowable as depending from an allowable claim. Claims 8 and 19 are canceled.

Response to rejections of claims under 35 U.S.C. § 102.

Claims 1-7, 12-18, and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Basham. Applicants have traversed the rejections of claims 1, 12, and 20 as amended with the limitations of claims 8 and 19 above while traversing the rejections of claims 8-11 and 19 under

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35 U.S.C. 103(a) and submit that claims 1, 12 and 20 are allowable as amended. Applicants

further submit that claims 2-7 and 13-18 are allowable as depending from allowable claims.

Should additional information be required regarding the traversal of the rejections of the

dependent claims enumerated above, Examiner is respectfully asked to notify Applicants of such

need. If any impediments to the prompt allowance of the claims can be resolved by a telephone

conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

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